

## Chapter 3

# Model vs. Continuum

### ABSTRACT

*This chapter focuses on the Least Restrictive Environment (LRE), as it is one of the most controversial and litigated topics in the field of special education, because the Individuals with Disabilities Education Act does not provide any guidelines on how this requirement needs to be met. Since the Supreme Court of the United States will not hear a case about LRE, this chapter also presents several circuit court cases that have attempted to interpret the law using an assessment they developed. In addition, the chapter reviews several continuum models that attempt to ease the burden for schools and their districts as they contemplate the best educational placement for a student with exceptionalities. The chapter concludes with a discussion about the future trends for special education and LRE.*

### INTRODUCTION

The Individuals with Disabilities Education Act (IDEA, 2004) clearly states that a student with exceptionalities must be afforded a continuum of services. These services can range from the least restrictive environment (LRE), which would be full-time placement in a general education classroom with a paraprofessional or general education teacher providing the necessary Individualized Education Plan (IEP) services, to the most restrictive environment, which could be in an alternative placement setting, such as a juvenile detention center or treatment center. Regardless of the student's placement, IDEA requires that students with special needs receive the services afforded to them on their IEP. The planning process becomes complicated when special education

departments design programs or models to address the continuum of services offered. It is incumbent upon schools and school personnel to understand that there is a difference between a continuum of services and a special education service delivery model. Without proper understanding of both terms, schools and school districts can become noncompliant in their monitoring process. Non-compliance of this nature can place schools on the needs improvement list or worse from the Office of Special Education Programs (OSEP).

Chapter 1 mentioned that the inception of Public Law 94-142 (which is today known as the Individuals with Disabilities Act or IDEA) back in the 1970s began to change the way that children with exceptionalities were educated. However, change was slow. As time progressed and more and more parents demanded that their children

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be educated along with their age- and grade-level peers, special education services slowly began to evolve into what we have today. Schools hopefully now have a continuum of services that will fit any child's needs and will assist him or her in becoming a productive member of our democratic society. Even though there is a push in the field currently to place all students with exceptionalities in the general education classroom, we still have some students for which this placement is unrealistic, and hence we still have self-contained classrooms and alternative schools. As we cater to each student's individual needs, these placements are probably not going away.

Blosser and Kratcoski (1997) reiterated that "legislation and regulatory agencies continue to define policy for service delivery" (p. 99). Even today, more effort must be placed on planning and implementing treatment, which was lacking in the past. Also, past efforts did not enforce outcomes-based measures in service delivery, numerous service delivery options, or descriptive notification of skills needed to be an effective service provider. The times have changed, and mandates require adequate progress for all students. Students with special needs can only be as successful as the service delivery model designed to meet each individual need as highlighted in the continuum of services model of their IEP.

This chapter will:

- Analyze the least restrictive environment and the court cases associated with it.
- Compare the three continuums of service: the Individualized Education Plan, the 504 Plan, and the Response to Intervention model.
- Contrast the Individual with Disabilities Education Act and No Child Left Behind continuum models.
- Hypothesize the future trend in special education continuum of services.

## **LEAST RESTRICTIVE ENVIRONMENT**

Although IDEA states that students with disabilities must be educated with their school-aged peers, it does not define how this is to be accomplished or in what format. In other words, there is no specific mention about what qualifies as the least restrictive environment in the IDEA mandate. This lack of guidance has been the cause of much controversy and litigation. Schools and school districts are left to decipher on their own what is the best LRE for each student with exceptionalities that they serve. They are also charged with developing a service delivery model centered on the continuum of services needed for each student with special needs on their campus.

Once a student suspected of having a disability is tested and it is confirmed that he or she does in fact qualify under one of the 13 IDEA categories, the student's IEP team, consisting of the parents, the student (when appropriate), both the general and special educators, the school psychologist, the school administrator, and any other person who has a vested interest in the student, gets together and develops a new IEP plan. There is a section on the IEP plan that asks the team to consider an appropriate least restrictive environment for the student. The least restrictive environment as used in the field of special education is defined as the "legal requirement to educate children with disabilities in general education classrooms with children who are not disabled to the maximum extent possible" (Wright & Wright, 2012, p. 427). Figure 1 illustrates a "graphic representation of an IDEA-based continuum of potential service environments to ensure that all students have access to a free and appropriate public education in the least restrictive environment (LRE)" (California Department of Education, 2012, p. 1).

Under IDEA (2004), the IEP team must consider four components when determining a student's LRE:

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